

## IN THE DISTRICT COURT OF THE UNITED STATES

**FILED**

FOR THE DISTRICT OF SOUTH CAROLINA

JAN 14 2003

ANDERSON DIVISION

LARRY W. PROPS, CLERK  
U. S. DISTRICT COURT

Junior Leon Smith, ) Civil Action No. 8:01-4426-24AK

Plaintiff, )

vs. ) **REPORT OF MAGISTRATE JUDGE**

Coastal Air Services, Inc., Timberland )

Enterprises, Pine Belt, Incorporated, )

Darrell Aiken, individually and as )

agent, servant or employee of )

Timberland Enterprises and Pine )

Belt, Incorporated; Gene Hill, )

individually and as agent, servant or )

employee of Coastal Air Services, Inc., )

and/or Timberland Enterprises and )

Pine Belt, Incorporated, )

Defendants. )

and )

Pine Belt, Incorporated, )

Third Party )

Plaintiff, )

vs. )

Landmark Products, Inc., BASF )

Corps., and Monsanto Corporation, )

Third Party )

Defendants. )

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**ENTERED**

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The plaintiff Junior Leon Smith ("Smith") brought this action alleging negligence. On October 25, 2002, the defendant Pine Belt, Incorporated ("Pine Belt") filed an answer and a third party complaint against BASF Corporation ("BASF"), Landmark

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Products, Inc., and Monsanto Corporation. Pine Belt seeks indemnification from the third party defendants for any damages proven by the plaintiff Smith.

On November 18, 2002, BASF moved to be dismissed. On December 16, 2002, Pine Belt moved to dismiss BASF. BASF responded to this motion by stating it does not oppose Pine Belt's motion to dismiss and referred to its own motion to dismiss. Apparently, the third party plaintiff and the third party defendant BASF are in agreement that BASF should be dismissed. Accordingly, the court recommends that BASF's and Pine Belt's motions to dismiss third party defendant BASF be granted.



William M. Catoe  
United States Magistrate Judge

January 13, 2003

Greenville, South Carolina